U.S. Appl. No. 10/602,343
Reply to Non-Final mailed 10/05/2010

PATENT
Att'y Docket No.: 450100-04606

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I.   STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-7, 15-45, 58-72, 74-75, and 77-78 are currently pending. Claims 1, 15, 22, 34, 58 and 70 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II.   REJECTIONS UNDER 35 U.S.C. §103

Claims 1-7, 15-45, and 58-72 were rejected under 35 U.S.C. §103 as allegedly unpatentable over U.S. Patent No. 7,154,534 to Seki et al. ("Seki") in view of U.S. Patent Publication No. 2001/0040592 of Foreman et al. ("Foreman") in view of U.S. Patent No. 5,889,916 to Kimura et al. ("Kimura") in view of U.S. Patent No. 6,606,117 to Windle; and

Claims 74, 75, 77, and 78 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Seki, Forman, Kimura, Windle and further in view of U.S. Patent No. 6,546,187 to Miyazaki et al. ("Miyazaki").

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Applicant respectfully traverses these rejections.

Independent claim 1 is representative and recites, *inter alia*:

"providing for recording video image data for each of a plurality of takes of a particular scene;
. . .
displaying for selection in the video display of an image data recorder a piece of the video image data corresponding to each of the plurality of takes of the particular scene, the piece of the video image data for **each of the plurality of takes** of the particular scene **being displayed simultaneously in the video display of the image data recorder**;
. . .
selecting one of the displayed plurality of takes for the particular scene
. . .
displaying in the video display of the image data recorder the selected take for each of the plurality of scenes, the selected takes being displayed in the scene arrangement of the selected template;"

In the invention as claimed in claim 1, a video recording template provides for taking of video data. The template includes multiple scenes for the recording of image data.

The system allows for taking of multiple takes for each scene in the template. That is, images from multiple takes of a particular scene are recorded. The multiple takes are displayed for selection of one of the takes for the particular scene.
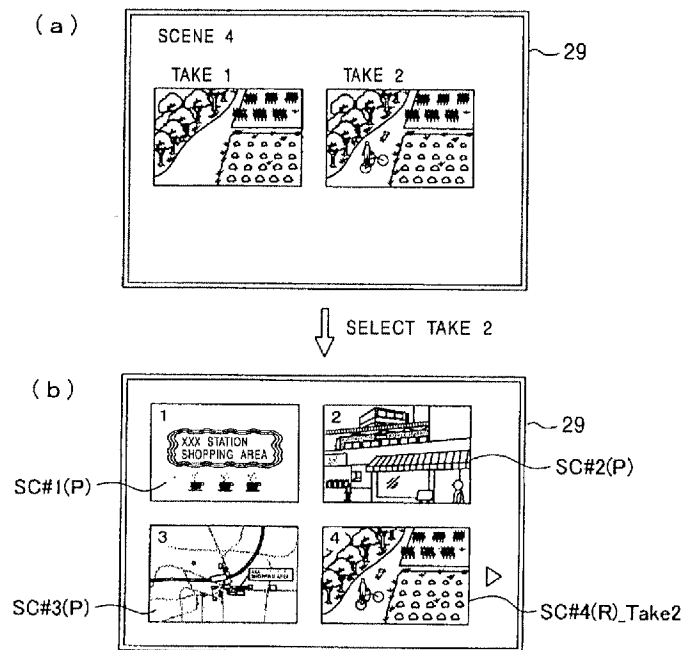
The invention as claimed in amended claim 1 provides a specific way in which a take is selected for a particular scene. A piece of the video image data from each take (*e.g.*, a still image as disclosed in Publ. App. par. [0143]) for each take is displayed simultaneously with the video image data from all the other takes for the particular scene. Moreover, these video image data

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for all the takes are displayed simultaneously in the video display of the image data recorder. A particular take is selected from the displayed takes for use in the particular scene.

Once a take is selected for the particular scene, the video image data for the selected take is reproduced in the sequence of scenes of the template. Thus, the selected takes from each of the plurality of scenes is displayed in the sequence of the template and replaces a preset video image of the scene from the template with actual recorded video data.

FIG. 19 of the present application shows an example of the selection of a take and replacement of a preset video image of the template with the actual recorded data for the scene.

FIG. 19

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[0319] When a plurality of takes is produced for a particular scene, the take selection processing is performed to select which take to use. For example, for scene #4, take 1 and take 2 are produced. Referring to **FIG. 19**(*a*), the system controller **11** reads pieces of video image data of take 1 and take 2 (take 1 and take 2 of SC#4(R)) and displays the read video data on the LCD **29**.

. . .

[0324] Subsequently, scene #4 is selected and shot, and take 1 and take 2 of video image data SC#4(R) are recorded. When take 2 is selected and confirmed, in step F207, FAT is updated, and the playback sequence is now managed in the following order: SC#1(P), SC#2(P), SC#3(P), SC#4(R) take 2, and SC#5(P).

[0325] In other words, the video image of scene #4 is changed by replacing the preset video image at the time the content project is drawn with the actually shot video image.

[0326] When the shooting of necessary scenes is not completed, the process returns from step F209 to F201. At this time, the system controller **11** displays the scenes in the sequence managed by FAT. After scene #4 has been replaced with the actual video image, the scene selection screen shown in **FIG. 19**(*b*) is displayed.

As illustrated in FIG. 19, scene #4 is selected and shot, and take 1 and take 2 of video image data SC#4(R) are recorded. When take 2 is selected and confirmed, the playback sequence is now managed in the following order: SC#1(P), SC#2(P), SC#3(P), SC#4(R) take 2, and SC#5(P).

In other words, the video image data of **ALL the takes (take #1 and take #2) are displayed SIMULTANEOUSLY in the display of the image data recorder**. After a particular one of the takes is selected, the video image of scene #4 is changed by replacing the preset video image at the time the content project is drawn with the actually shot video image of the selected take.

The video display of the image capturing device displays the scenes in the sequence

of the template. After scene #4 has been replaced with the actual video image, the scene

selection screen shown in FIG. 19(b) is displayed. Publ. App. pars. [0319]-[0326].

The Office Action, at page 5, points to Foreman's FIG. 5 (still images "78") and par.

[0040], for disclosing the claim 1 feature, "displaying in the video display of the image data

recorder the selected take for each of the plurality of scenes, the selected takes being displayed in

the scene arrangement of the selected template."

However, as is clear from Foreman's FIGS. 3-5 and the description in pars. [0033],

[0037], *passim*, Foreman is, at most, displaying the selected take on the display of a typical

computer system (20). Foreman, par. [0033] and FIG. 4. There is no suggestion the selected

takes are displayed in the *video display of the image data recorder* in the scene arrangement of

the template.

In contrast, claim 1 recites, *"displaying in the video display of the image data recorder*

the selected take for each of the plurality of scenes." This feature distinguishes the present

invention as claimed in claim 1 from the Foreman reference. After selection of a particular take,

the take is displayed in the display of the image data recorder that captured the take.

To overcome the deficiency of Foreman, the Office Action, at page 7, points to Windle's

FIG. 9 (storyboard) and col. 8:65 to col. 9:38 for the disclosure the claim 1 feature, "displaying

for selection in the video display of an image data recorder the selected take . . ." However, at

the cited location (and elsewhere) Kindle is, at most, displaying the *template* in the display of the

image taking device. There is no description in Windle that the ***plurality of takes of a particular scene*** are displayed for selection in the display of the image capturing device.

Moreover, there is certainly no description that the plurality of takes is displayed ***simultaneously*** in the display of an image capturing device. Indeed, the cited references perform editing external to the image capturing device.

The Office Action, at page 6-7, points to Kimura, col. 1:63-col. 2:2; col. 10: 4-9, 40-47, 60-65; col. 11: 26-38 and col. 11: 59-col. 12:21, for claim 1 feature, "***displaying for selection in the video display of an image data recorder*** a piece of the video image data corresponding to each of the plurality of takes of the particular scene, the piece of the video image data for ***each of the plurality of takes*** of the particular scene ***being displayed simultaneously in the video display of the image data recorder***."

However, at the cited location (and elsewhere) Kimura at most describes displaying an index image that is an image in which all of the reduced images of the cuts successively recorded in the video cassette are arranged. *Kimura*, col. 13, lines 1-3. As shown in Kimura's FIG. 6, a reduced image of the video clips in the sequence the clips were taken. *Kimura*, col. 11, line 58-col. 12, line 2.

However, there is no description in Kimura that after a particular cut is selected as sequence of other selected cuts are all displayed in a sequence of a predetermined template as recited in claim 1 of the present invention.

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Moreover, there is no description in Kimura that a plurality of takes of a particular scene are all displayed simultaneously for selection in the display of the image data recorder.

The above recited feature of claim 1 cannot be removed from the context of the claim. That is, claim 1 must be considered as a whole. Applicant is not attempting to claim ALL video capture devices that display images stored in the device for selection. The present invention as claimed in claim 1 is directed to using templates to aid in creating video content in a video capturing device. In this regard, as stated above, the feature of claim 1, "selection in the video display of an image data recorder a piece of the video image data corresponding to each of the plurality of takes" is a part of the entirety of the invention that claims a unique combination to achieve the claimed result.

Neither Miyazaki, Seki, nor Shore adds the element missing from Kimura, Foreman and Windle.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 15, 22, 34, 58 and 70 are also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 1-7, 15-45, 58-72, 74-75, and 77-78 are in condition for allowance. In the event

the Examiner disagrees with any of statements appearing above with respect to the disclosure in

the cited reference, or references, it is respectfully requested that the Examiner specifically

indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our

Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in

this application are patentable and Applicants respectfully request early passage to issue of the

present application.

Respectfully submitted,

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